

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, AUGUST 28, 2012 – 7:00 P.M.**

Prayer offered by Councilwoman Angelia Williams, followed by the Pledge of Allegiance.

President Fraim moved to excuse Mr. Riddick from today's meeting.

**Motion adopted.**

Yes: Burfoot, Protogyrou Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

### **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **July 10, 2012** under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission** to amend the **General Plan and the Zoning Ordinance of Norfolk 1992**, to create definitions for Character Districts within the city and show their location.

A Motion was made by Councilman Smigiel to change East Beach from Urban Character District to Suburban Character District.

**ACTION:** The Motion **PASSED**.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

The following people spoke in favor of this matter:

Ray King, 999 Waterside Drive and Bruce Bishop, 1405 Veaux Loop; Warren Tisdale, 440 Monticello Avenue, Suite 2200; and Pamela Kloeppel, 804-814 Granby Street.

The following people spoke in opposition to this matter:

Jack Plomgren, 1611-D Colley Avenue; Greta Gustavson, 421 West Bute Street; Paige Rose, 524 Graydon Avenue; Cannon Moss, 724 Yarmouth Street; Bob Vollbrecht, 414 Mowbray Arch; Sharon Plawin, 424 Mowbray Arch; and Irene O'Brien, 833 Brandon Avenue.

The following people were present in opposition to this matter but did not speak

Charles and Lee Snyder, 410 Mowbray Arch and Tanya Banks, 502 Pembroke Avenue.

Tom Johnson, 440 Monticello Avenue was present to answer questions.

A Motion was made by Councilman Protogyrou to change the property north of Brambleton on the Hague from Downtown Character District to Urban Character District.

**ACTION:** The Motion **LOST**.

Yes: Protogyrou, Smigiel, and Whibley.

No. Burfoot, Williams, Winn and Fraim.

Thereupon, An Ordinance entitled, “An Ordinance to amend the General Plan of Norfolk, 1992, **SO AS TO** define **Character Districts** within the City and to recommend their locations,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Whibley, Williams, Winn, and Fraim.

No. Smigiel.

**PH-1A**

An Ordinance entitled, “An Ordinance to amend and reordain Section 2-3 of the Zoning Ordinance of the City of Norfolk, 1992, in order to create definitions for **Character Districts**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

**PH-2**

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **August 28, 2012** under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the sale of approximately one acre of City owned land on **Monticello Avenue between 16<sup>th</sup> and 17<sup>th</sup> Streets to Chick-fil-A, Inc.**

Thereupon, “An Ordinance authorizing the Land Disposition and Development Contract (“LDDC”) to be entered into with **Chick-Fil-A**, and authorizing the conveyance of real property to **Chick-Fil-A** as provided in the LDDC,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-3

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **August 28, 2012** under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Faith in Action Church by William M. Verebely, Jr** to **a)** amend the **General Plan of Norfolk 1992**, to change the land use designation from Medium Density Residential to Commercial/Office, and **b)** for a change of zoning from R-11 (Moderate Density Multiple-Family) and C-2 (Corridor Commercial) districts to Conditional C-2 district on property located at **4603 Cape Henry Avenue**.

William Verebely, Jr. 2200 F-Dunbarton Drive, Chesapeake, and Fred Gallup, 2432 Wyoming Avenue, were present to answer questions.

Thereupon, An Ordinance entitled, “An Ordinance to amend the General Plan of Norfolk, 1992, **SO AS TO** change the land use designation for property located at **4603 Cape Henry Avenue** from Medium Density Residential to Commercial/Office,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-3A

Thereupon, An Ordinance entitled, “An Ordinance to rezone property located at **4603 Cape Henry Avenue** from C-2 (Commercial Corridor District) and R-11 (Moderate Density Multiple-Family) to Conditional C-2 (Commercial Corridor) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-4

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **August 28, 2012** under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Rainbow Building Corporation by Donald Koester** to **a)** amend the **General Plan of Norfolk 1992**, from Low Density Residential to Medium Density Residential, and **b)** for a change of zoning from R-8 (One-Family) district to Conditional R-9 (One-Family) district on property located at **3316 Marne Avenue**.

Thereupon, An Ordinance entitled, "An Ordinance to amend the General Plan of Norfolk, 1992, **SO AS TO** change the land use designation for property located at **3316 Marne Avenue** from Low Density Residential to Medium Density Residential," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-4A

Thereupon, An Ordinance entitled, "An Ordinance to rezone property located at **3316 Marne Avenue** from R-8 (One Family) District to Conditional R-9 (One-Family) District," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-5

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **August 28, 2012** under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Robyn Thomas** for a change of zoning from I-1 (Limited Industrial) district to C-2 (Corridor Commercial) and PCO-21<sup>st</sup> (Pedestrian Commercial Overlay-21<sup>st</sup> Street) districts on property located at **901-921 West 21<sup>st</sup> Street**.

Robyn Thomas, 913 West 21<sup>st</sup> Street, was present to answer questions.

Thereupon, An Ordinance entitled, "An Ordinance to rezone property located at **901 to 921 West 21<sup>st</sup> Street** from I-1 (Limited Industrial) to C-2 (Commercial Corridor) District and PCO-21<sup>st</sup> (Pedestrian Commercial Overlay-21<sup>st</sup> Street) District," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

**PH-6**

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on **August 28, 2012** under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Vicki S. Hatch** for the closing, vacating and discontinuing of a portion of **Kincaid Avenue from the western line of Early Street to its terminus.**

Thereupon, An Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of **Kincaid Avenue**, and authorizing the conveyance to the abutting property owner of any interest the City may have in the underlying fee of said portion of Kincaid Avenue,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

**CONSENT AGENDA**

**C-1**

Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a **GEM Lot** to **John J. Chappell, Sr. and John J. Chappell, Jr.** on property located at **SSW 26<sup>th</sup> Street.**

**ACTION:** City Clerk authorized to advertise for a public hearing on September 11, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-2

Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a **GEM Lot** to **Charlene Wimbish** on property located at **859 Washington Avenue**.

**ACTION:** City Clerk authorized to advertise for a public hearing on September 11, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-3

Letter from the City Manager recommending a public hearing be held on the conveyance of the City's interest on property known as **9500-9510 14<sup>th</sup> Bay Street** to Fulton Bank by quitclaim deed.

**ACTION:** City Clerk authorized to advertise for a public hearing on September 11, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-4

Letter from the City Manager recommending a public hearing be held to hear comments on a Lease Agreement between the **City of Norfolk and Friends of the Pagoda & Oriental Garden Foundation** at property located **265 West Tazewell Street**.

**ACTION:** City Clerk authorized to advertise for a public hearing on September 11, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-5

Letter from the City Manager recommending a public hearing be held to hear comments on a Deed of Easement to Virginia Natural Gas on property located at **1184 Lance Road**.

**ACTION:** City Clerk authorized to advertise for a public hearing on October 9, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-6

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of **Potter's House by Carlos Morales** to a) amend the **General Plan of Norfolk 1992**, to change the land use designation from Commercial/Office to Institutional, and b) for a change of zoning from C-2 (Corridor Commercial) district to Conditional IN-1 (Institutional) district on property located at **6820 North Military Highway**.

**ACTION:** City Clerk authorized to advertise for a public hearing on October 9, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

C-7

Letter from the City Manager recommending a public hearing be held to hear comments on a Lease Amendment for the Department of Development on property located at **500 E. Main Street**.

**ACTION:** Moved to regular agenda item R-33.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

C-8

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of **James A. Baker** for a) Conditional Rezoning from I-3 (General Industrial) district to Conditional I-2 (Light Industrial) district, b) a Special Exception to operate an Automobile Storage Yard and c) a Special Exception to operate an Automobile and Truck Repair Facility on property located at **3435-3441 Mangrove Avenue**.

**ACTION:** Continue to September 11, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

C-9

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of the **City Planning Commission** to amend Section 25-10.1(c) of the **Zoning Ordinance of the City of Norfolk, 1992** to permit consideration of **longer operating hours for Eating and Drinking and Entertainment Establishments that abut a residential use in a residential zoning district**.



**ACTION:** City Clerk authorized to advertise for a public hearing on October 9, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

### **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$100,000.00 from the **Virginia Department of Emergency Management Fiscal Year 2011 Homeland Security Grant Program** and appropriating and authorizing the expenditure of the funds for the purchase of License Plate Readers for the Hampton Roads Urban Area Security Initiative Region Grant Program,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a 2012 Public Safety Grant Award of up to \$1,500.00 from the Target Corporation, and appropriating and authorizing the expenditure of the Grant Funds to support the **Norfolk Police Department’s Citywide National Night Out Event**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-3

Letter from the City Manager and a Resolution entitled, “A Resolution acknowledging and concurring with the June 20, 2012 Resolution of **Norfolk Public Schools 55512** electing the employer certified contribution rate of 11.10% on behalf of employees who are members of the Virginia Retirement System effective July 1, 2012,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting grant funds in the amount of \$337,050.00 from the **Virginia Department of Criminal Justice Services** for the continuation of the **Victim/Witness Assistance Program** and appropriating and authorizing the expenditure of the funds for the program,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a commercial drive-through facility on property located at **1818 Monticello Avenue**,” was introduced in writing and read by its title.

Bob Heavner, 910 Marlbank Road, Yorktown, and Jeremy Reaves 108 Interstate Drive, Archdale, North Carolina, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment on property located at **420 Monticello Avenue, Suite 100**,” was introduced in writing and read by its title.

Douglas Aronson, 5009 Gosnold Avenue, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to operate an entertainment establishment on property located at **241 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an entertainment establishment on property located at **123 West 21<sup>st</sup> Street**,” was introduced in writing and read by its title.

Alan Baesen, and William Summs, 123 West 21<sup>st</sup> Street, were present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Cape View Village I Condominium Owners Association** to encroach into city property at **1878 East Ocean View Avenue**, with a wood walkway and stairs,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Riverview Associates, L.L.C.**, permission to encroach into the right of way of **1907 Colonial Avenue** and approving the terms and conditions of the Encroachment Agreement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Section 25-321 of the Norfolk City Code, 1979, **SO AS TO** add a Section to authorize the operation of **electric golf carts in Berkley and Pinewell**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Barbara Smith** to encroach into **North Shore Road** right of way with an existing house and overhang,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the terms of Right of Entry Agreement with **Adams Outdoor Advertising** relative to certain vacant property located at **1301 N. Military Highway** in the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Sections 25-653, 654 and 656 of *the Norfolk City Code, 1979*, **SO AS TO** add one new yield intersection, twenty-one new stop intersections, and one trucks of one-half tons or over prohibition,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the acquisition of an easement for right of way improvements over certain property located at **2900 Cape Henry Avenue** in the City of Norfolk; approving the terms and conditions of the **Deed of Easement**; and authorizing the expenditure of the sum of \$350.00 from funds heretofore appropriated to pay the purchase price for the easement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the acquisition of an easement for right of way improvements over certain property located at **3000 Cape Henry Avenue** in the City of Norfolk; approving the terms and conditions of the **Deed of Easement**; and authorizing the expenditure of the sum of \$600.00 from funds heretofore appropriated to pay the purchase price for the easement,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-17

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the conveyance to the City of Norfolk by **Children’s Hospital of the King’s Daughters**, Incorporated of certain property located at intersection of the Southern portion of **Greenway Court and Hampton Boulevard** in the City of Norfolk, Virginia, and authorizing the City Manager to accept the Deed on behalf of the City,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-18

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Article X of Chapter 25 of the Norfolk City Code, 1979, **SO AS TO**, allow the riding of **bicycles on sidewalks** by amending Section 25-398, and, to eliminate the registration requirements for bicycles, by repealing Sections 25-377, 25-379, 25-380, 25-381, 25-382, 25-383, 25-384 and 25-385, and amending Section 25-378,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-19

Letter from the City Manager and a Resolution entitled, “A Resolution approving the **Norfolk Community Services Board’s Performance Contract** with the Commonwealth for Fiscal Year 2013 renewable by Mutual Agreement for Fiscal Year 2014,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-20

Letter from the City Manager and an Ordinance entitled, “An Ordinance amending Ordinance #44,654 (passed May 8, 2012) **SO AS TO** provide **health benefits for one previously authorized special project position**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 16, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-21

Letter from the City Manager and an Ordinance entitled, “An Ordinance vacating the Western Five Feet of a ten foot drainage easement located along the eastern property line of Lot 2, Block 5, Subdivision of Sussex, also known as **604 Sterling Street**, in the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective September 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-22

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to **change the starting time of the regular weekly City Council Meeting** scheduled for Tuesday, September 25, 2012 at 7:00 p.m. to September 24, 2012, at 9:00 a.m. and to move the location of said meeting,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-23

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Quarles Petroleum, Inc.** based upon the correction of business license tax assessments,” was introduced in writing and read by its title. (Refund caused by overpayment by Quarles Petroleum, Inc.)

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-24

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **CCA Financial LLC.** based upon the correction of business personal property tax assessments,” was introduced in writing and read by its title. (Refund caused by overpayment by CCA Financial, LLC)

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-25

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **CMA-CGM (America), LLC.** based upon the correction of business license tax assessments,” was introduced in writing and read by its title. (Refund caused by overpayment by CMA-CGM (America), LLC.)

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-26

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Port Norfolk Transport Inc.** based upon the correction of business license tax assessments tax years 2007 through 2008,” was introduced in writing and read by its title. (Refund caused by overpayment by Port Norfolk Transport Inc).



**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-27

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Crofton Diving Corp.** based upon the correction of business license tax assessments tax year 2012,” was introduced in writing and read by its title. (Refund caused by overpayment by Crofton Diving Corp).

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-28

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **NYT Shared Services Center, Inc.** based upon the correction of business personal property tax assessments,” was introduced in writing and read by its title. (Refund caused by overpayment by NYT Shared Services Center Inc)

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-29

Letter from the City Manager and an Ordinance entitled, “An Ordinance to accepting a Grant in the amount of \$29,684.00 from the **Virginia Department of Criminal Justice Services for the Norfolk Court-Appointed Special Advocate (CASA) Program**, appropriating and authorizing the expenditure of the Grant Funds for the Program, appropriating up to \$41,005.00 in city matching funds and creating and funding a Special Project Employee Position for the CASA Program Director,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-30

Letter from the City Clerk and a Resolution entitled, “A Resolution establishing the **Mayor’s Commission on Poverty Reduction**,” was introduced in writing and read by its title.

Dan Montague, 4605 Krick Street, spoke regarding this matter.

**ACTION:** The Resolution as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-31

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Chapter 2.1 of the **Norfolk City Code, 1979**, as amended, **SO AS TO** add one new article,” was introduced in writing and read by its title. (This item establishes a Military Economic Development Advisory Committee and the Mayor’s Advisory Commission on Veterans Affairs).

John James Willis, 2240 Tarrallton Drive, and Tom Leisher, 4912 Cape Henry Avenue, spoke in favor of this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-32

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Chapter 6.1 of the **Norfolk City Code, 1979**, **SO AS TO** add a new article VIII creating an **Animal Advisory Board**,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-33

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the Third Amendment to the Lease between the City of Norfolk and Direct Invest, LLC, ET AL., for the premises located at **500 East Main Street** in the City of Norfolk; authorizing the City Manager to execute the Third Amendment to Lease; and authorizing the expenditure of a sum of up to \$121,870.00 from funds heretofore appropriated to cover the lease payments for the remainder of the Fiscal Year 2012-2013,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 28, 2012.

Yes: Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. Burfoot.

R-34

Letter from the City Manager and a Resolution entitled, “A Resolution appointing or reappointing 18 persons to 4 Boards and 2 Commissions for certain terms,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective August 28, 2012.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

### **NEW BUSINESS**

1. Rick Henn, 1400 Granby Street, thanked council for their support as an employee.
2. Dan Montague, 4605 Krick Street, commented on the smoking at Ocean View Park and Towne Point Park during concerts and asked if it can be prohibited.
3. Don Hornstein, 603 Westover Avenue, #9, spoke regarding the dilapidated building at 161 Granby Street asking when action would be taken on it.
4. Danny Lee Ginn, 3844 Dare Circle, commented on censorship in government.
5. Thomas Harris, 1231 West 27<sup>th</sup> Street, spoke regarding the bad condition of rental property and rooming houses in Lambert’s Point and about unruly student parties and abusive behavior.
6. Herb Williams, 401 College Place, spoke about using the Attucks Theatre for promotion of the arts in the black community.

The following people spoke regarding the Eagles Nest at Botanical Garden:

7. Ellis James, 2021 Kenlake Place, stated that the data submitted regarding the Bald Eagle's nest is incomplete and asked that a more complete study be conducted before the removal.
8. Carol Senechal, 1116 Hanover Avenue, asked to delay removal of the nest for one year and for further research.
9. Chief Walton Brown, 33334 Sandy Ridge Road, Franklin, stated that if the nest was removed from Botanical Garden that it be relocated to Southampton County to the Nottoway Indian Intertribal Community.
10. Laura Herring, 457 Peace Haven Drive, asked for a more complete study from the federal agencies before removal of the nest at Botanical Garden.
11. Russell Bryson, 7727 Ruthven Road, commented on the interest throughout the world of the eagle camera.
12. Jane Bethel, 5632 Brandon Boulevard, commented on overtime policies and tuition assistance for employees.